

IN JOINT SESSION.

The roll of both Houses being called and a quorum present—Mr. Dancy was appointed teller on part of the Senate. The two Houses then proceeded to count the votes; whereupon the Speaker announced that for the office of Governor, P. H. Bell received thirteen thousand five hundred and ninety-five (13,595) votes; M. T. Johnson received five thousand two hundred and sixty-two (5,262) votes; John A. Greer received four thousand and sixty-one (4,061) votes; B. H. Epperson received two thousand nine hundred and seventy-one (2,971) votes; Thomas J. Chambers received two thousand three hundred and twenty (2,320) votes, and there were one hundred (100) scattering votes.

For Lieutenant-Governor, James W. Henderson received nine thousand six hundred and fifty-nine (9,659) votes; Matthias Ward received seven thousand seven hundred and eighteen (7,718) votes; Charles G. Keenan received five thousand seven hundred and forty (5,740) votes; James S. Gillet received two thousand six hundred and forty-four (2,644)—and there were five hundred and fifty-seven (557) scattering votes.

P. H. Bell having received the largest number of votes for Governor, was declared by the Speaker duly and constitutionally elected Governor of the State, for the term of two years, from the 21st day of December next, and

James W. Henderson having received the largest number of votes for Lieutenant-Governor, was declared by the Speaker duly and constitutionally elected Lieutenant-Governor of the State, for the term of two years, from and after the 21st December next, ensuing.

The Senate returned to their Chamber, and, on motion of Mr. Bigelow, adjourned until half-past nine o'clock, Monday morning.

MONDAY, November 10, 1851.

The Senate was called to order by the President, pursuant to adjournment—roll called—quorum present—the journal of Saturday was read and adopted.

Mr. Sterne presented the petition of Casimiro Garcia: referred to the committee on the Militia.

Mr. Grimes presented the petition of John Bethea and of William Cummins, praying for land: referred to the committee on Private Land Claims.

Mr. Eddy introduced a bill to incorporate the town of Jasper : read first time.

Mr. Bigelow introduced a bill better defining the boundaries of the county of Cameron : read first time.

Mr. Grimes offered the following resolution :

Resolved, That the Governor be requested to obtain, from some competent architect or master builder, a plan of a building for a State Capitol, of sufficient dimensions for the accommodation of the two Houses of the Legislature, (to be built of brick or stone, in a substantial manner, but on as cheap a plan as practicable,) with estimates of the cost of such building; and that he cause the plan, when obtained, with the estimates of the cost, to be laid before the Senate of the present Legislature.

Mr. Eddy offered the following resolution :

Resolved, That the committee on Education be requested to report to the Senate, at as early a day as practicable, a bill to provide for the establishment and maintenance of a general and uniform system of free common public schools throughout the State.

Mr. Gray offered the following resolution :

Resolved, That the system of laws now in force, known as the "Probate Laws," does not suit the habits and genius of the people of Texas; that its details are too complex, producing unnecessary delays in practice, and also expenses ruinous to small estates, and that it ought to be so modified as to avoid these evils; and that the committee on the Judiciary act hereon, and report by bill or otherwise.

On motion of Mr. Bogart, Mr. Parker was added to the committee on Private Land Claims.

On motion of Mr. Truit, Mr. Williams was added to the same committee.

On motion of Mr. Eddy, the Senate proceeded to the election of a President *pro tem.* of the Senate.

Mr. Eddy nominated Mr. Burleson.

There being no other nomination, on motion of Mr. Grimes, Mr. Burleson was declared unanimously elected President *pro tempore* of the Senate.

ORDERS OF THE DAY.

The resolution of the Senate, authorizing the committee on Printing to contract for a certain number of each issue of the Semi-Weekly State Gazette and South-Western American, &c., was read.

Mr. Sterne moved to amend the resolution by striking out "15," and inserting "25."

Mr. Hill moved a division of the question.

The motion to strike out was carried.

Mr. Sterne moved to fill the blank with "twenty-five;" upon which the yeas and nays were as follows:

Yeas—Messrs. Day and Wilson—2.

Nays—Messrs. Armstrong, Bigelow, Bogart, Burks, Dancy, Davis, Doane, Duggan, Eddy, Gray, Grimes, Hart, Hill, Merriam, Meusebach, Parker, Reaves, Scott, Sterne, Taylor, Truit and Williams—22. Lost.

Mr. Parker moved to fill the blank with "10."

Mr. Hart moved to amend the amendment, by filling the blank with "14." Carried.

On motion of Mr. Wilson, the resolution was amended by striking out "semi-weekly."

On motion of Mr. Hart, the resolution was amended by inserting, after the word "issue," the words, "not to exceed three each week." The resolution, as amended, was then adopted.

A bill to repeal an act to incorporate the city of Brownsville, approved January 24th, 1850: read second time, and ordered to be engrossed.

A bill to fix the rates of public printing: read second time.

Mr. Day offered the following additional sections as an amendment:

"Sec. 2. That the public printer to be elected, under this act, shall be elected by the joint vote of the two Houses, and his election form a part of the organization of the two Houses; and said public printer, so elected, shall give bond in the sum of &c.

"Sec. 3. That all laws and parts of laws conflicting with the provisions of this act be, and the same are repealed; and that that this act be in force and effect from and after its passage."

On motion of Mr. Parker, the bill together with the amendment, was referred to the committee on Printing and Contingent Expenses.

A bill for the relief of Ambrose Hillburn; read second time, and on motion of Mr. Bogart, referred, with the memorial of Ambrose Hillburn, to the committee on Private Land Claims.

A bill for the relief of the heirs of Sally Owen, deceased; read second time, and on motion of Mr. Williams, referred to the committee on Private Land Claims.

A bill to incorporate the Jasper Collegiate Institute; read second time, and on motion of Mr. Eddy, referred to the committee on Education.

A bill providing for the payment of the debt of the late Republic of Texas; on motion of Mr. Davis, laid on the table.

A bill to change the name of Mary Angeline Middleton, to that of Mary Angeline Gill; read second time, and ordered to be engrossed.

A bill to amend the thirteenth section of an act to secure to all actual settlers within the limits of Peters' Colony, the lands to which they are entitled; approved January 21, 1850; read second time, and on motion of Mr. Bogart, referred to the committee on the Judiciary.

A bill to secure the right of redemption in lands sold under execution; read second time, and on motion of Mr. Sterne, referred to the committee on the Judiciary.

A bill regulating fees in criminal cases; read second time, and on motion of Mr. Armstrong, referred to the committee on the Judiciary.

A bill for the relief of James M. Day; read second time, and on motion of Mr. Hill, laid on the table.

Resolution of the Senate, instructing the Judiciary committee to report a bill granting pay to persons who may have slaves executed according to law, etc.; was read, and on motion of Mr. Grimes, referred to the committee on State Affairs.

Resolution of the Senate, authorizing the Secretary of the Senate to purchase a suitable number of comfortable arm chairs, with cushions, for the use of the Senate; read, and on motion of Mr. Grimes, referred to the committee on contingent expenses.

A message was received from the House, inviting the Senate to seats in the Representative Hall, for the purpose of hearing the Governor's message read.

A bill to allow the county of Cameron to levy a special tax; read second time, and on motion of Mr. Hill, referred to the committee on the Judiciary.

On motion of Mr. Wilson, the Senate took a recess of five minutes.

Recess expired, Senate called to order, and repaired to the Hall of the House of Representatives for the purpose of hearing the Governor's message read.

The message of the Governor was read, and is as follows:

EXECUTIVE DEPARTMENT, STATE OF TEXAS.

Austin, November 10, 1851.

*To the Honorable the Senate**and House of Representatives:*

In the discharge of my official duties, the task again devolves upon me of communicating with you as the immediate representatives of our common constituency, and of recommending such measures for your action, as in my judgment will best conduce to their interest and welfare.

I experience much satisfaction in the performance of this duty, from the reflection, that coming, as you have done, directly from the midst of the people, you have brought with you a knowledge of their views and opinions in reference to many of the important subjects which will claim your attention during the present session of the Legislature, and with that knowledge, you will be able by your united efforts, to carry out those views in a manner that will be satisfactory to them; and at the same time maintain the honor and integrity of the State, and greatly advance its present and future prosperity.

In these efforts, I need not say to you gentlemen, that you will receive my hearty co-operation and support; trusting, that by the harmonious exercise of a sincere determination on our part to do what is right, we shall attain that end; and that the result of our labors will be such, as not only to meet the approbation of our own citizens, but command the approval of all just men, who may be interested in or affected by it.

Amongst the many questions of importance which will be presented for your deliberation, there will be none, probably, so great in magnitude, and which have excited so large a share of interest in the public mind, as those which have grown out of the passage, by the general Congress, of what is termed the Texas Boundary Bill, and the acceptance of the provisions of that act by the people and Legislature of this State.

It is unnecessary at this time to recur to the causes which gave rise to that bill, or to advert to the variety of opinions entertained by our own citizens in regard to the measure of justice extended to us by it, or the mode by which that justice was to be administered. The bill, doubtless, had its origin in a desire to settle, in a manner which would best reconcile conflicting views and interests, a question which had excited much angry feeling, and which at one time threatened to disturb the harmonious relations which should exist, and which I sincerely trust will ever exist, between the States and the people of this

Union ; and although many of us, admiring as we did the principle of Union with perfect equality, may have believed that neither the measure of redress, nor the mode of its adjustment was such as we had a right to expect, yet the people, falling back upon their devotion to our common country, and its institutions, chose, rather to make a voluntary sacrifice of their own cherished views and preferences upon the altar of Peace, than to jeopardize the National Union, which hitherto had been the dispenser of so many blessings, in the guarantees it had afforded, in the security of religion which it had encouraged and protected, and in the maintenance of that law and order of which it constituted the basis. It was in this view that the propositions offered by the bill were accepted with a unanimity rarely found in political adjustments or in the healing of party dissensions.

This matter having been thus settled with the Federal Government, we have now nothing to do in respect to it, except, so to direct our legislation as to produce the best results to the State, which it affords ; and in that view, it becomes my duty, first, to call your attention to some of the features of the bill ; the attitude in which it places us in reference to the ultimate settlement of the questions growing out of it ; and the measures taken by the Executive, since the adjournment of the last extraordinary session of the Legislature, to place the matter in such a position as would enable you to act efficiently and effectually in reference to it ; and also, to suggest to you such further measures, as, in my judgment, may be necessary for its final consummation.

The first proviso of the 5th article of the 2d section of the Boundary Bill, declares, that no more than five millions of the ten millions of stock, which by the 4th article of that section, was to be issued to the State of Texas, in consideration of her relinquishment of territory, and her acceptance of the boundaries prescribed by the bill, shall be issued, until the creditors of the State, holding bonds and other certificates of stock of Texas, for which duties on imports were specially pledged, shall first file, at the Treasury Department of the United States, releases of all claim against the United States, for, or on account of said bonds or certificates, in such form as shall be prescribed by the Secretary of the Treasury, and approved by the President of the United States.

The Republic of Texas having executed her bonds and other evidences of debt, in an exceedingly dark and gloomy period of her history, it became necessary to issue them for nominal

amounts, bearing no sort of proportion to the amounts actually received ; and to pledge her resources, arising mainly, at that time, from her revenues, for their redemption. These securities, generally speaking, were concentrated at very low rates in the hands of monied speculators, who had contributed nothing to the achievement of her independence, or to the relief of her actual necessities in the administration of the Government at the time they were issued. This consideration, well understood and appreciated, induced an inquiry in respect to the mode of redeeming these securities ; as no one could entertain the opinion for a moment, that the Government was under any obligation, either in justice or morality, to redeem them by paying the amount expressed on their face ; and that inquiry resulted in the passage of the act of the State Legislature of March 20th, 1848, "to provide for ascertaining the Debt of the late Republic of Texas," which act required the Auditor and Comptroller of the State to reduce all claims presented for liquidation to the actual par value which was realized by the Republic, at the time of their issue. The evident meaning and contemplation of that act was, that the holders of the claims should be paid in accordance with the amount thus ascertained by the Auditorial Board, subject to the revision of the Legislature ; and the amount so ascertained, were considered as all that was actually due from the State, to her several creditors. That the legislature had the right to pass this law, there can be no question ; and that the individuals holding the bonds or other evidences of debt against the late Republic, were bound by it, there can be as little. It occurred to me, therefore, after a careful examination of the proviso, that difficulties and embarrassments would be produced in the settlement of our outstanding liabilities, unless the Secretary of the Treasury should give such a construction to the law on the subject, as would enable the State of Texas to define, who were the creditors therein referred to, and also to ascertain the amount of the liabilities of the State, which this reserved five millions of dollars was intended to cover. By the phraseology of the act, the decision of the question as to who were the creditors of the State, holding claims for which duties on imports "were specially pledged," and the amount of those claims was referred directly to the Secretary of the Treasury of the U. States, and as he could have no means of ascertaining these facts, except such as were derived from the State, through her proper officers, I deemed it my duty to dispatch an officer to the City of Washington, charged with instructions to ascertain what course he intended to pursue in reference to this mat-

ter, and also, to make the necessary arrangements relative to the receipt of the five millions of stock, which by the terms of the bill were to be immediately issued to the State. The officer selected for this mission, was James B. Shaw, Esq., the present efficient Comptroller of the State, who understanding the subject, probably, better than any other individual in it, was chosen with reference to his peculiar fitness and capacity for the discharge of its duties. The instructions given to Mr. Shaw, and his subsequent correspondence with the Secretary of the Treasury, and final report of the result of his mission, are herewith submitted, marked document A, No. 1 to 3, and to which the attention of the Honorable Legislature is most respectfully called.

As the Legislature had made no provision for sending an agent to perform this duty, there was no appropriation from which the expenses of the mission could be drawn; but viewing the subject as of too much importance to be neglected, the Executive and Comptroller each advanced an equal amount from their private funds, sufficient to cover those expenses; and, therefore, it is now respectfully asked that an appropriation be made to reimburse them in the sums thus advanced, and also to pay Mr. Shaw a reasonable compensation for the additional labors imposed upon him. A statement of the amount advanced and expended in the performance of this duty is herewith submitted, marked document B, No. 1

By adverting to the letter of the Secretary of the Treasury, under date of February 12th, 1851, contained in document A, it will be perceived that he has decided not to issue to the State, *under any circumstances*, stock for any portion of the retained five millions of dollars, until *all* the creditors holding obligations, for the payment of which duties on imports were specially pledged, shall have relinquished to the United States their claims—notwithstanding, it may be ascertained prior to such relinquishment, that a very inconsiderable part of that five millions will be required to cover those claims; and that he has reserved to himself the right of deciding, from data to be furnished by the State, the amount of the claims now outstanding, for which duties on imports were specially pledged; and, also, the individuals entitled to receive these amounts.

From the opinion of the acting Attorney-General of the State, under date of September 8th, 1850, and herewith submitted, marked document C, No. 1, it would seem that the payment of a very small portion of the public debt now outstanding, was secured by a “special pledge” of import duties—probably not

exceeding six hundred thousand dollars; and yet, according to the decision of the Secretary of the Treasury, the whole five millions must be retained in the treasury of the United States until every individual creditor, owning any part of that six hundred thousand dollars, however small, shall have filed his relinquishment to the United States, in the Treasury Department at Washington City.

A decision which would lead to such consequences, cannot be in accordance with the spirit and intention of the compact between the Federal Government and Texas, although it may be within the strict letter of the law; and it has occurred to me, that some further action by the General Congress is necessary, to place this subject in its proper light; and that it will be proper for the State Legislature to indicate, by resolution or otherwise, as it may deem best, what that action should be.

If the decision of the Secretary of the Treasury remains unchanged, (and we have no reason to expect a change in it, without an alteration of the law,) the State may be kept for an indefinite, probably an interminable, period out of nearly one half of the pecuniary consideration for which she relinquished a large portion of her territory; and this result may be produced by some obstinate and perverse creditor who, holding an amount not sufficient in importance to embarrass his own operations, may, by this means, seek to embarrass the interests of all others, by withholding a relinquishment of his claim to the United States.

This difficulty may perhaps be obviated in the following manner: If the General Congress will so modify the act of September 9th, 1850, as to authorize the Secretary of the Treasury to issue stock to the State of Texas, for the whole amount of the retained five millions, upon the State, through her proper officers, filing at the Treasury Department, a release and full exoneration of the Federal Government from all liability, for any portion of the public debt of Texas, growing out of the transfer by the act of annexation, of the resources arising from "duties on imports," all difficulty would at once be removed, and the public debt could, without further delay, be placed in a train of proper and speedy adjustment, through the agency of our own officers, "by whom it must be ultimately settled."

To such a modification of the law, the Executive cannot perceive that any well-founded objection could be urged. The obligation to pay these debts, rests entirely upon the State; and although the creditors, at the time they were incurred, may have had a view to the supposed and probable resources of the

Republic for their payment, still they did not anticipate that those resources were to be applied by any other than the Government with whom the contracts were made, and with whom necessarily remained the right to modify or change them, as it might deem best. Had the Government, after these contracts were made, deemed that the interests of the citizens, or prosperity of the country, required her to reduce her duties on imports to a mere nominal amount, or to have taken them off altogether and thrown her ports open to the free commerce of the world, no one would have questioned, for a moment, her right to have done so; and her creditors would have had no just cause to complain of such an act, because they made their contract with the full knowledge that such a right existed, and would, to some extent at least, be exercised. Indeed, it was exercised every year, in the various modifications of the tariff laws of the late Republic; and in 1842, upon the adoption of what was known as the *exchequer* system, they underwent an almost radical change, (a change which reduced the duties laid upon imposts from a very large to a comparatively small amount;) and yet no one then asserted that this change in the amount of duties to be collected, was a violation of the previous contract entered into with these creditors.

The transfer, by Texas, of a portion of her sovereignty to the United States, and by which her right to collect duties on imports was given up, in its consequences, was nothing more than would have resulted from a repeal of her own laws imposing such duties; and the Federal Government, by receiving that transfer, incurred no other obligation in respect to the debts of Texas, than an equitable one to give the State such an equivalent for the loss of her revenues arising from import duties, as would enable her to carry out her contracts with her creditors, as effectually as she might have done had her revenues from imports not been surrendered; but that government incurred no other obligation whatever, to the creditors individually; and the assumption of such an obligation was a gratuitous act, by which the State of Texas ought not, in any sense, to be bound. The debt is one which Texas owes, and which Texas has to pay; and no power can rightfully interpose between her and her creditors, and dictate the manner of its settlement.

I therefore recommend to the Honorable Legislature, that our Senators in Congress be instructed, and our Representatives requested to use all proper exertions to procure such a modification of the fifth article of the second section of the act of September 9th, 1850, as will authorize and require the Secretary of

the Treasury to issue to the State, all the stock contemplated by the 4th article of the said act, upon *her* filing such releases to the United States as may be deemed necessary to exonerate the Federal Government from any liability for any portion or all of the debt of Texas.

I recommend this course, because it is the best which my mind suggests to relieve this subject from all difficulty ; but as it is possible that Congress may not concur in the propriety of making this modification, we should, in anticipation of such a contingency, prepare ourselves in the best manner we can, to meet it. I trust I have shown the necessity of placing this matter upon a different footing from that on which it now stands, if we expect to close it within any reasonable period, or in any manner which would be at all satisfactory to the State. Indeed, the difficulties which must be overcome in its adjustment, so long as it remains in its present condition, are so obvious that it requires no argument to prove that immediate steps should be taken to obviate them. I therefore, further recommend to the Honorable Legislature, that a law be passed at its present session, limiting the time within which the creditors of the State, holding the class of claims referred to, shall file their releases to the United States ; declaring, that in default of their doing so within the prescribed time, the claims shall be forever barred.

It has further occurred to me, as the President has decided that the revenues from imports were specially pledged, (in contemplation of the boundary act) for an amount of our public debt, almost equal, (if it had been all filed) to the reserved stock, that it might be advisable to appropriate the stock so withheld to the payment of that portion of the debt for which those imposts were pledged, and which would consequently come under this decision of the President ; said stock, to be issued to the creditors holding these pledges as soon as the United States will so amend the act of the general Congress as to give Texas control of the same.

I also recommend that a sufficient amount of the five millions stock within the present control of the State be appropriated to the payment of that class of debts not covered by a pledge of impost duties, under the decision of the President. This character of the indebtedness amounts to \$985,422, and has been denominated the second class. It is due mainly to our own citizens for personal services rendered, and supplies furnished in the defence of the country.

From the report of the Comptroller, it is evident that the

whole ten millions of dollars will not be required to discharge the outstanding liabilities of the State, according to the scale which has been adopted for ascertaining the actual amount of those liabilities, and from which I can see no just reason to depart; and it will therefore become a subject of interesting inquiry to you, as to the best mode of investing or disposing of the surplus. Upon this subject, there seems to exist much diversity of sentiment in the public mind. Some entertain the opinion that the whole amount of the surplus should be devoted to the internal improvement of the State; others believe that a large portion should be applied to the purposes of education, in the establishment of free schools, and other institutions of learning; while another class believe that it should be invested in some secure and profitable stock, the interest arising from which would be sufficient to meet the ordinary expenses of the State Government, and thereby entirely release the people from taxation. That these diverse views, entertained and freely discussed by the citizens at large, should be brought by their immediate representatives into the legislative halls of the country, bearing the stamp and hue originally derived from each particular constituency, is not to be wondered at; and it will therefore require a calm and deliberate investigation of these subjects on the part of each and all of you, and, perhaps, some patriotic sacrifices of preconceived opinions, to enable you to harmonize in the adoption of a system that will be mutually beneficial to all; and the Executive entertains the confident hope that such investigation will be given, and such sacrifices made, as will lead to this most desirable result.

That all these views have weight and are entitled to respectful consideration, is admitted; but to carry all into practical operation would be impossible. It is true that after the payment is made, of every claim which now stands legitimately charged to this surplus fund, there will be a large amount left for your disposition, and it is in reference to that disposition that your attention is now respectfully invited.

That a general system of internal improvements by the State, properly regulated, would eminently conduce to its prosperity there can be no doubt; but such a system would require an appropriation of means, which (without a violation of the constitution) could not be made at this time; and the adoption of a system, partial in its operations, would in its details, be likely to present difficulties, growing out of differences of opinion, as to the subject upon which it should operate, and which difference might not be easily reconciled—but the anticipation

of such difficulties, should not prevent the effort from being made; and I therefore suggest and respectfully recommend, that adequate appropriations be made, to aid such enterprises as are already engaged in clearing out our principal rivers, or any other well calculated and practical system of internal improvement, in order that the facilities of transportation and commerce may be extended as far into the interior of the country as the natural capacities will permit.

The practical utility which would result from the fostering aid and encouragement of the government, in works of this kind, would be immediately felt in every part of the land, and although the extent of these benefits might not be commensurate with the wishes, or the necessities of all—yet as this would be going as far as the present resources of the State will justify, when we regard the claims of other important interests, it is believed that it would give general satisfaction to the people at large, and add much to the prosperity of the country.

The last few years have spread abroad more accurate knowledge of the number and character of our population, and the true value of our immense territory is now better known and more appreciated—a consequent tide of immigration, uniform and steady in its movements, is continually flowing in upon us, and in a short period, we shall have the satisfaction of seeing immense numbers of these hardy, enterprising immigrants developing the resources of the State in its rich productions; labor, everywhere will be seeking employment, and capital, a profitable investment. Our State government, in the mean time, relieved of its pecuniary embarrassments, and calculating with certainty its financial ability, will be enabled with greater safety, to indicate her future policy, in the adoption and promotion of some general system of internal improvements. Though new in her position amongst the great family, Texas is fully alert to the nature and value of the testimony, to be derived from the older members, in respect to the practical results, increased wealth and enterprise, which are conferred upon a people who pursue a system of internal improvements, with wise, patriotic and energetic action. Already the enterprising efforts directed by private capital, in clearing out some of our principal rivers; in connecting the Brazos river with the Gulf by canal, the projection of the San Antonio and Gulf Rail Road, and other improvements of less magnitude, have received the favorable consideration of the country and elicited much anxiety for their completion. How far it will be judicious at this time to embark in works of internal improvement, until a

certain and ample fund shall have been provided for their speedy completion, is submitted to the wisdom of the Legislature.

Amongst the many subjects of paramount importance and interest, demanding your present deliberation and action, but few can justly claim precedence over that of education. Its importance in the establishment and maintenance of the free and happy institutions under which we have so long lived, was warmly inculcated by the patriots who established them. We who have been the favored recipients of a rich inheritance, the result of sacrifices and labors of the wise and good, should never fail to appreciate the blessings it confers, nor ever forget that its transmission, unimpaired to our successors, is a sacred duty. Living in the middle of the nineteenth century, with the lamp of experience before us, and boasting of an era marked by great philosophical research and scientific discovery, we cannot safely incur the hazard of losing, or impairing this boon, in neglecting the means by which, mainly, it is to be perpetuated.—Those means are to be found in the universal extension of the benefits of education. From it will result intelligence and virtue, the true basis of republican freedom. It is quite unnecessary for me to enumerate the advantages of a liberal and well conducted system of popular education—one that would be uniform and efficient in its practical bearings, dispensing full and equal benefits to all. The sentiment of the State is awakened, and is restless upon this interesting subject, demanding prompt and energetic action on the part of those entrusted with parental care, in all things that pertain to the promotion of this great cause.

The framers of our State government were so deeply impressed with the belief that a general system for the education of the youth of the country, based upon broad and liberal principles, was of vital consequence, that they engrafted in the organic law this important injunction, that “a general diffusion of knowledge being essential to the preservation of the rights and liberties of the people, it shall be the duty of the Legislature of this State to make suitable provisions for the support and maintenance of public schools.” The State has thus indicated her policy in this matter; she has been the dispenser of a munificent bounty, and when made available and properly applied, will fulfill the beneficent intentions of the framers of the constitution, and an additional safeguard thrown around that instrument by the intelligence and moral weight to be derived from the provisions contemplated by the section quoted above.

There is no one who feels a deeper interest, or who more ardently desires to promote the cause of education than myself,

and I will most cordially co-operate with you in any plan which will practically advance that object in such a way as to diffuse its benefits generally through the country. But after bestowing the best reflection I have been able to give the subject, I am not prepared to recommend the immediate adoption by your Honorable Body, of the system which has been provided for by the constitution and subsequent legislative enactments under it.— In considering this great and paramount interest, it is well to guard against a mere plausible theory, and in embracing any system, it were useless, unless that system, examined in all its bearings, shall be practical in its essential features, and simple in the application of its principles. In order to make any plan operate equally, schools must be established in every county and neighborhood in the State, and to do this with the machinery which would be necessary to bring them into successful operation, would involve an expense greatly disproportioned to any benefits which could result from them in the present sparse population of most of the counties; and I could not give my assent to any plan which would operate unequally, or which would confer benefits on one portion of the State, and which could not be felt or enjoyed in every other section.

The fourth section of an act of the late Republic, approved January 26th, 1833, contemplates that two Universities shall be created, and fifty leagues of land were then directed to be surveyed and set apart for their endowment. It may now be a question whether or not this is the appropriate time for the commencement of these establishments; and whether or not, if the means which the State can advance for the purpose of education, are applied to them, it would be the best application of those means. The subject is referred to the wisdom of the Honorable Legislature.

It has been suggested to me, and the suggestion has come from a source entitled to respect, that the best mode, at present, of promoting the cause of education by the State, will be found in subscribing for a certain number of scholarships in the several institutions already established, and which are about to be established by private individual enterprise; the extent of these subscriptions to be regulated by the character and importance of those institutions respectively. It is alleged that by doing so, and paying the subscriptions in advance, the State will not only aid in perfecting those institutions, but will have an opportunity of educating at each one of them, (in proportion to the scholarships taken,) a number of the worthy youths of the country who are unable to educate themselves, and who, when thus educated, will be prepared to take charge of the common free

schools which the State will, no doubt, at some future day, desire to establish throughout the country.

I have thought proper to submit this suggestion for the consideration of the Legislature, coming as it did, from a highly intelligent and respectable source.

There are many other matters which will require your consideration in respect to the application of a portion of this surplus fund. Public buildings, of a permanent character—such as are necessary for properly conducting the affairs of the Government, and for supplying offices for its various departments, are now required to be erected. The Penitentiary system should be carried out and perfected. A State Library should be purchased. These are all important subjects, which I am unwilling to believe the Honorable Legislature will be disposed to overlook or pass by; and they will necessarily require a considerable outlay of money.

I would also recommend, that provision be made for a complete geological and mineralogical survey of the State by competent persons. It is believed by those best acquainted with such subjects, that much mineral wealth is contained in the north-western portions of the State, and especially in its mountainous regions; and that by a scientific exploration of those regions, many important resources of the State will be developed and rendered available; but whether this be so or not, such a survey ought to be made. It will be the means, and the only means, of making known to us the character and qualities of a large portion of our territory, which hitherto, for want of such knowledge, has attracted but little public attention. Such a survey might also be connected with the necessary means of running our north-western line, which, although designated by the boundary bill, has yet to be surveyed and marked.

Although the report of the State Treasurer for the last fiscal year, will exhibit a considerable balance on hand in the Treasury, still there will not be a sufficient amount to meet the current expenditures of the present session of the Legislature, and consequently the deficiency should be provided for. It originated mainly in the convention of the Legislature in extraordinary sessions, upon two different occasions, &c., &c., since the adjournment of its last regular session, and as both of these conventions were rendered necessary by circumstances, out of which the ten million fund originated, the expenses of them are justly chargeable to that fund.

The interest on the five million of stock already issued, and which, on the first of January next, will amount to two hundred and fifty thousand dollars, should be placed in the Treasury of the State as soon after it becomes due as practicable; and I

therefore recommend that suitable provision be made for that purpose early in this session.

In compliance with the provisions of an act of the State Legislature, approved January 7th, 1850, "relative to the payment of certain volunteer companies, for services rendered on the western frontier of the State of Texas," I appointed General George T. Wood as agent for the State, to obtain from the Federal Government a settlement of the accounts mentioned in that act; and that gentleman, after procuring the necessary vouchers and evidences of the claims, proceeded immediately to the city of Washington for that purpose. Upon his arrival, however, it was ascertained that nothing could be done in the matter until there was some action by the general Congress in reference to it. He ultimately succeeded in getting an act passed at the close of a protracted session, directing the officers of the United States Treasury to audit and settle the accounts of the companies (therein referred to,) and appropriating a sum not to exceed seventy-two thousand dollars for their payment. The officers of the United States Treasury construed this act to mean, that the money was to be paid *directly* to the eight companies; and as the State had previously assumed to pay these companies, and had, under that assumption, advanced a large amount, they declined making the payment to either the State or the companies until further legislative action had been taken on the subject by the general Congress; consequently, another act was passed, and approved, on the 3d of March, 1851, by which the amount that had been paid by the State, was directed to be reimbursed to her; and the amount due to the officers, non-commissioned officers and privates, was directed to be paid to each of them respectively by the Pay Department of the United States Army.

Upon the application of General Wood at the Treasury, after the passage of this last act, for that portion of the money which was directed to be paid to the State, his authority to receive it was denied, because the power of attorney with which he was furnished by the State Executive, was not drawn in strict accordance with the provisions of an act of the general Congress, of July 29th, 1846. He then returned to Texas, and after receiving another power of attorney, (since admitted to be correct,) made his third application at the Treasury Department in Washington, and was again refused, because he was not prepared to exhibit the original vouchers and receipts given by the individual members of the two companies, which the State had paid. These original vouchers are filed in the office of the Comptroller of the State, and they constitute the evidences upon which his warrants were drawn upon the Treasurer, and therefore he could not permit them to go out of his office without being authorized to do so

by an act of the State Legislature ; consequently, all further efforts to obtain this money must be suspended until there is some additional legislation in reference to it. The correspondence and acts of Congress referred to, are herewith submitted ; marked, "Document D, Nos. 1 to 10."

In presenting this subject to the Legislature, I cannot forbear an expression of my surprise and regret at the very unnecessary obstacles which have been thrown in the way of its settlement. In order to delay the payment of this money, a construction was given to the act of Congress, of September, 1850, making the appropriation, which it would hardly bear, and which few persons, under the circumstances, would have placed upon it ; and when this difficulty was removed by the act of March 3d, 1851, other objections were raised, which had still less reason in them. My views on this point, as expressed to General Wood, will be found in my communication to him of March 29th, 1851. "Document D., No. 6."

It is difficult to speak of the objection made to the first power of attorney with any degree of patience ; because the slightest glance at the act of Congress of July, 1846, under which this objection was raised, will show that it had no sort of application to it, and that the validity of this power could not, in any reasonable point of view, be tested by it.

So far as regards the last objection, (the balance of the original vouchers,) I consider it as indicating a want of confidence in our State officers, wholly unauthorized, if we look to every previous transaction between our State and Federal Government.

At the request of the Second Auditor of the Treasury Department, a certified statement of the amount paid by the State, taken from those vouchers by the Comptroller, was forwarded to the Treasury Department ; and the demand of the original vouchers by the Third Auditor, after receiving the statement, would seem to imply that the certificate of the Comptroller in respect to matters contained in the archives of his office, would obtain no credence at the Treasury Department in Washington ; but that the archives themselves would have to be transmitted, as the only evidence upon which they would act. If this principle be correct, then all official transactions between the State and General Government, will ever be greatly embarrassed, if they do not entirely cease.

We do our business through our officers, and if their certificates and seals are disregarded or distrusted, we have no means at our command for the purposes of authentication.

In adverting to our Indian relations, it is my duty to present to you the actual condition of the frontier of the State. The obligation of the State, it occurs to me, to protect the lives and

property of its citizens, is not at all lessened by the obligation on the part of the General Government to perform the same duty ; and the omission of the latter to do so by no means relieves the former from any responsibility, whether we consider the constitution and laws of the country, or the ordinary dictates of humanity. The immediate government knows the particular interests and local wants of its citizens, and when there is a failure or direliction of the general government in affording security to our frontier citizens, it should be promptly remedied by the State, in the provision by her of ample means to ensure their peace and comfort, without reference to expenditure or responsibility. It is not intended to charge the General Government with being indifferent in relation to this subject. The numerical military force at present stationed upon the Texas frontier would seem, upon the first view, adequate to its protection—but since experience has abundantly shown that the system of military defence adopted by the General Government has failed to give peace and protection to the citizens resident on several portions of our border, it becomes necessary that the State should interpose, and supply the deficiency, no matter from what cause it may originate. It is certainly far better that the State should incur embarrassment (if necessary) in her financial affairs, than that the lives and property of her citizens should be in constant jeopardy in consequence of the inattention or neglect of either government. I feel much solicitude upon this subject, and I am satisfied that the Honorable Legislature will sustain any proper suggestion which may be made.

The settlements along the northern portion of the frontier, have, for some time past, been comparatively exempt from Indian incursions ; that is to say, from Red River to the Colorado ; and, while much credit is due to the military commands, charged with the protection of this part, for their vigilance and efficiency, it should not be overlooked by you, when adopting any plan or providing means for the more permanent protection of every other part, that Indian tribes, who have for years retarded the settlement and progress of that portion of the country referred to, have only made a temporary diversion, in consequence of the superior inducements for rapine and plunder on our western line. It is true that this valuable district of country is increasing in population, but there is yet wanting that perfect confidence so necessary and consolatory to the pioneer in investing his limited means.

Since the adjournment of the last regular session of the Legislature, depredations by Indians have been committed upon the upper settlements of the Colorado, and many of a serious

character on the San Antonio and Nueces rivers, some of their tributaries and the intermediate streams. From the upper settlements of the frontier and along both banks of the Nueces, even to the bay and town of Corpus Christi, the Indians have not ceased to alarm the inhabitants, and to carry off their property, even to the banks of the Rio Grande.

The valley of the Rio Grande, from its great extent and fertility of soil, its peculiar geographical situation, with sparse, though interesting settlements, scattered along its eastern bank, exposed equally to the attacks of savage Indians, and the marauding enterprises of lawless and unrestrained Mexican freebooters, appeals with more than ordinary interest to the national honor for indemnity for past sacrifices and losses. The worthy and enterprising citizens of that part of the State have a right to claim from their immediate government the necessary assistance in presenting their claims for indemnity for past losses and for future security.

During the period that the embarrassing question of boundary was causing in every section the greatest solicitude, the civil organization of the north-western counties was looked upon by the State as of vital importance in urging its claims upon the General Government. The inhabitants of El Paso and those contiguous, who had given intimation of a disposition, friendly to our institutions and laws, afforded us the only hope of a successful civil organization; and, but for the passage of the boundary bill, they would ultimately have been the nucleus around which the reluctant and disaffected of the adjacent counties would have rallied in support of our jurisdiction and laws.

It will be recollected that the Commissioner appointed to extend the State's jurisdiction over the north western counties, was received at El Paso with respect and courtesy, and the propositions which he bore from his government were cordially and promptly embraced. Since the full recognition of the laws of the State there, the people have exhibited characteristics that belonged to the older and more populous counties. They have recently manifested their devotion to the constitution and laws of the State in the election of an upright and intelligent Judge; and they have not been less judicious in their selection of their delegation now constituting a part of your Honorable Body. In the progress of a complete civil organization their prospects are indeed flattering; but I regret to announce to the Honorable Legislature that the recent withdrawal from that portion of the frontier of the entire military force of the United States which occupied that position for the last two years, has

left the inhabitants and their property exposed to the indiscriminate attacks of bandits and hostile Indians.

For the condition of that portion of the State in reference to its military wants, I respectfully invite your attention to documents marked E, Nos. 1 to 4, herewith transmitted; and I most earnestly invoke from the Legislature such action as will be most likely to insure security to this isolated but interesting portion of the State.

If we trace the valley of the Rio Grande through the whole extent of its populated portion, we shall find in the record of the unhappy events which have transpired on that portion of our border, abundant cause for the parental interposition of the State government. Notwithstanding a military force has been employed at various points along the valley, we have been time after time called upon to mourn the loss of some relative or friend, or to sympathize with unfortunate beings who have been made the victims of want, in consequence of the destruction of their means by the hands of the Indian savage.

Experience has demonstrated that the present system of military defence upon the frontier of the State, is totally inadequate to afford security to the inhabitants and their property; and I sincerely trust that the Honorable Legislature at its present session, will give such direction to this matter by addressing itself to the Federal Government, as will secure the persons and property of individuals resident on our borders, by calling upon the General Government, to afford immediate and ample military protection to every portion of our frontier, or by demanding the removal, at once, of all the Indian tribes within the limits of the State; and that in the event of a refusal, or failure on the part of that government to do so, by authorizing the State Executive to employ such volunteer force from time to time as may be found sufficient for the attainment of the end.

The commerce of the Rio Grande, now very considerable, would be greatly improved, if this great international stream was cleared of all obstructions. The inhabitants of the Northern Mexican States are equally interested with our government, and it is suggested to the Legislature whether or not, this object cannot be promoted by presenting the subject to Congress, through our members, and also, by authorizing the State Executive to correspond with the Mexican States bordering on that river. This work is also important to the United States in a military point of view.

I have received no official report from the Attorney General relative to the suits pending in several of the courts, in which the State is a party. From information derived from other

sources, it is believed that one of these suits is of such a character as to demand the attention of the Honorable Legislature.

Under the authority of the Ordinance adopted by the convention, which framed the constitution of the State, one of my predecessors directed a suit to be commenced against the contractors of what is known as "Peters' Colony," to ascertain whether or not they had forfeited their right under their contract. That suit I am informed, is still pending, and that no progress has been made in it. No report has yet been received from the Commissioner appointed under the law passed at the last regular session of the Legislature, to secure to the settlers in that colony, the lands to which they are entitled. That officer is at this time performing the duties required of him under the law, and as soon as his report is received at this Department, it will be submitted to the Honorable Legislature. I am informed that the law, in its practical operation, has been found defective, and has failed, in some particulars, in effecting the objects for which it was intended. Shortly after it was passed, an injunction was granted by one of the Judges, at the instance of one of the contractors, which has greatly restrained its operation, and that suit, I am advised, is still pending, and may not be brought to a final decision for years.

As the act in its terms declares that nothing therein contained, shall be so construed as to prejudice the rights of the contractors, it would seem proper that some method should be adopted to ascertain their rights, at an early day, and, if possible, to obtain an amicable and satisfactory arrangement of the whole matter. The immense litigation which will be involved in this controversy, if permitted to continue, will greatly retard the growth of one of the finest districts in the State, as nothing is more detrimental to the permanent improvement and advancement of a country, than uncertainty of tenure in its lands. I would therefore recommend that this subject receive the early attention of the Legislature. I have not sufficient data before me to recommend any distinct course, but as soon as I receive the report from the Commissioner of this and the other colonies, the subject will be more fully presented to you. The report of the Commissioner of Fisher and Miller's Colony has been received, and is herewith submitted, marked document F, No. 1.

The Commissioners appointed under the act of February 8th, 1850, to investigate the land titles west of the Nueces river, have closed their investigations, and are at this time employed in preparing their report: when received it will be laid before your Honorable Body with a special communication from me upon the subject.

The report of the Honorable George W. Smyth, Commissioner of the General Land Office, marked document G, No. 1, is herewith submitted, and recommended to the special consideration of the Legislature. It presents a brief but most comprehensive statement relative to the public lands of the country, and of all matters properly connected with that important department of the State government. It will be found to contain much valuable information.

There is nothing which so much retards the growth and prosperity of a country, as the unsettled condition of its land titles. This is an evil from which our State has greatly suffered, and though it has been partially removed by time and the adjudications of our courts, it is still a serious obstacle to her rapid advance in prosperity. Whilst I do not pretend to be conversant with the intricate system of our land law, or to be able to devise any general plan for the quieting of land titles, I will venture to suggest one enactment, at least, which, if made by the Legislature, would, in my opinion, be attended with the most beneficial results.

Under the law, as it now exists, locations may be made upon any lands claimed to be held by prior grants, and the parties holding by, or under such prior grant may be forced into court to defend the validity of their titles.

The only restriction, known to me, upon this right of location is that imposed by the act of February 5th, 1850, which prevents them from being made upon lands previously titled or surveyed within the limits of the colonies of Austin, DeWitt and DeLeon. These locations are usually made, and suit instituted upon them for some supposed defects in the prior grant or title, and if the locator fails to defeat the same, he can lift his certificates, make new locations upon other lands, and test the validity of the title under which they are held. This system of location may be carried on to an indefinite extent, and the evils resulting from it are so obvious that I deem it unnecessary to mention them. The right of a person holding a genuine and valid certificate, to locate the same upon any of the *vacant and unappropriated* domain belonging to the State, will not be denied by me; but this right of location when extended to lands claimed to be owned by private individuals, should, in my judgment, be restricted, and guarded from abuse, by legislative enactment.

If it is our duty, as well as our policy to discourage litigation, this object will certainly be effected to some extent, by restricting the facilities now afforded to those who make locations upon titled lands, of contesting such titles. I respectfully suggest, therefore, for the consideration of the Legislature, the propriety

of passing a law which will prevent certificates, hereafter located upon lands which the records of the country show had been previously deeded or titled, from being removed or located elsewhere, in case such locations were not sustained by the judgment of a competent court; and I further suggest that the law should compel the locator, in such cases, within six or twelve months after making his locations, to bring suit upon the same against those claiming the lands under a previous grant, in order that the question of title may be settled in a reasonable time.

It seems to me that those who seek to set aside prior titles, for imagined defects in the same, should run some risk as well as those whose titles they contest. It would check litigation by making locators cautious, and prevent much of that wild spirit of speculation which is at war with the true interests of our country. I further recommend that suit should be required to be brought upon all locations heretofore made upon titled lands, within a reasonable period, or that the right acquired by virtue of such locations shall be null and void.

The law which now requires the Supreme Court to be held at three different places in the State, subjects the Judges to an expense of which, in my opinion they ought to be relieved. Their travelling expenses to and from the different points where the court is held, are very considerable, and should not be taxed upon the meagre salary now allowed to them. Although the amount of this salary is fixed by the constitution, and its increase for the present prohibited, it does not appear to me that this could be properly urged as a constitutional objection to the allowance by the Legislature of a suitable amount to cover the necessary expenses incurred by the Judges in complying with the new law. I therefore recommend that a reasonable appropriation be made for this purpose.

The increased trouble and expense which will now attend the reporting of the decisions of the Supreme Court is also a subject worthy of your consideration. It will be necessary for the Reporter to attend in person, at the different places where the court is held, to obtain copies of the decisions there rendered, or he must employ some one to do so for him. In either event his expenses will be serious. In consequence of this, and the want of any present appropriation, no effort, I understand, has been made to report the decisions rendered since the passage of the law requiring the court to be held at three places.

It is certainly a matter of great importance, not only to the legal profession, but to our citizens generally, that the decisions of the highest judicial tribunal in the State should be promptly re-

ported and disseminated for public information. In view of the importance of this subject, I have given it some reflection, and am convinced that the plan heretofore pursued by the State in reference to it has not been the correct one. Instead of subscribing for a certain number of the volumes of reports, I would suggest that a suitable appropriation be made annually for printing, binding, &c.; and a State Reporter be elected by joint ballot of the two houses of the Legislature, with a competent salary provided for his payment—he giving bond for the faithful performance of his duties. The volumes reported by him should be the exclusive property of the State, and sold, for her benefit, at such price and in such manner as might be deemed most advisable. It is believed that the proceeds of such sales would go very far towards reimbursing the State for the expenses incurred. This is the system pursued in the State of New York, and some other States of the Union: and it has been found to answer well. I respectfully submit it for the consideration of the Legislature.

I am happy to inform the Legislature that, since its last regular session, a case involving most important consequences to this State, has been decided, favorably to her interest, by the Supreme Court of the United States. I refer to the suit of *League vs. De Young, Surveyor, &c.*, which was originally commenced in the District Court of Galveston county.

It had for its object the establishment of headright certificates which had never been recommended as genuine and legal by the board of commissioners appointed under the act of the 29th of January, 1840, to detect fraudulent land certificates. The vast amount of these certificates, a large portion of which had been located upon the most valuable lands in the country, rendered this a case of deep interest to our citizens.

John W. Harris, Esq., the former Attorney General of the State, was employed by my predecessor, Governor Wood, to attend to it on behalf of the State; and he accordingly repaired to Washington City, where he remained during the last winter until the cause had been argued and finally disposed of. The zeal and ability with which Mr. Harris discharged this most important trust is sufficiently attested by the result of his labors.

Herewith I enclose, for your inspection, the report of Mr. Harris to myself, and a printed copy of the decision rendered by the Supreme Court of the United States in the case—marked document H, Nos. 1 and 2.

I so fully concur with the recommendations contained in the very able report of the Hon. James Webb, late Secretary of State, relative to the State Department, that I deem it unnecessary to express my views on the subjects therein embraced. The reports

are herewith transmitted, marked document I, Nos. 1 and 2 ; and I have much pleasure in commending them to the favorable notice of the Legislature.

The report of the Adjutant General of the State relative to his office, is also transmitted herewith, marked document K, No. 1 ; and I also take pleasure in recommending the details and suggestions therein contained to the attention of your Honorable Body.

I have been informed that the very voluminous nature of the reports of the Comptroller, the Auditor and the Treasurer of the State, has prevented their completion at present. As soon as they are received at the Department, they will, accompanied by a special message, be laid before your Honorable Body.

The report of the Superintendent of the State Penitentiary has not yet been received. But I have reason to believe that the administration of that institution, during the two past years, has been in a high degree judicious and successful—both as regards its pecuniary transactions, and the system of internal arrangement and discipline which has been adopted.

The 5th section of the Vth article of the constitution, which provides that the compensation of the Governor shall not be increased or diminished during the term for which he shall have been elected, entirely relieves me from any feeling of delicacy, which otherwise would exist, in recommending, as I now do, an increase of the salaries of all the officers and their clerks, connected with the Executive Department of the State government. My personal connection with the various offices for the last two years has enabled me to ascertain clearly the inadequacy of the existing salaries, and the consequent embarrassment, if not injustice, which results to the very intelligent and efficient individuals employed in them. I do not forget that it is my duty to regard, and as far as it is in my power to encourage, a just system of economy in every department of this Government ; nor can I forget the reciprocal obligation that always exists between the competent officer or agent employed in carrying on the government and the government itself ; and I do not admit that it is a just, but consider it as a false economy on the part of a government which, with the capacity to do so, fails to protect its honest and capable public servants by providing such salaries and fees as will not only meet their necessary annual expenditure, but as will enable those who are provident and economical to guard against the ordinary accidents and vicissitudes of life.

Our State in its present position possesses an ample field, and stands in need of all the talent and energy that can be brought to her assistance in the conduct of her affairs, to ensure her

successful progress and continued prosperity ; and no means will prove more conducive to the furtherance of this great end, than the establishment of such a system of remuneration, which, while at the same time just and equitable to the State and her officers and agents, will induce and secure the services of those who possess the largest share of energy and capability. The policy pursued by the older States in reference to this matter, and which uniformly ensures a just and liberal equivalent for the services of faithful public servants, it appears to me, confirms the opinion I have expressed, and induces me to draw the favorable attention of your Honorable Body to the subject.

I cannot, gentlemen, close this communication, without offering you my sincere congratulation on the prospects of peace and harmony, which now, with a single exception, pervade this Union. The storm which lowered so portentously but a short time since, over the political horizon, has, for the present, been dissipated by what is known as the compromise measures of the last Congress; and as we cannot doubt that those measures were founded on patriotism, and a desire to preserve our beloved country from disruption and discord, we may hope that the feeling in which they originated, may continue to animate the people of every portion of it, and that the blessings which have heretofore so abundantly flowed from our united condition will be increased and perpetuated by this healing of past differences, and the promise it affords, that future troubles, should any such unfortunately arise, will again be met upon the broad basis of mutual concession.

But while we indulge this cheering hope, let it not be forgotten that it devolves upon us as a State, and upon every State of the Union, to keep a vigilant guard over that sacred palladium of our rights—THE CONSTITUTION—and to see that its provisions and guarantees are respected, and carried out in the spirit in which they were formed by the patriots, from whose hands it came. This is the only lasting bond of our Union. Let it be once treached upon—except in the manner designated for its amendment—and we have no security. Encroachment after encroachment will follow as the interest or prejudices of majorities may dictate, until it will ultimately be an insult to refer to it as a *shield*. If it be not now perfect—if by an honest construction of it, it has failed to afford that protection to all parts and interests of the Union which was intended to be given, let it be so amended as to obviate the difficulties, but let it not be touched, except by those who have a right to amend it.

That honest minds should differ in the true construction of this instrument, in the present condition of the country, is not

to be wondered at. It was framed at a time when it could scarcely have been anticipated that its folds were to extend over an empire almost illimitable, and that they would have to cover and guard rights as diversified as human pursuits can render them; but because it is susceptible of such variant constructions, reasons are presented why it should be so amended as to prevent them, and avoid the difficulties which experience has shown, and reason teaches us will inevitably arise from that cause; and in my judgment, now is the auspicious time to propose such amendments. Parties, interests and feelings in the various portions of the United States, are now more nearly equipoised than they will be a few years hence, and that circumstance, combined with the disposition lately manifested to preserve the Union, may now secure to all its parts such guarantees as will bind them together in one indissoluble bond.

I am well aware of the apprehensions entertained by many, that if the constitution of the United States is interfered with at all, evils instead of benefits may result from it, and their consequent indisposition to propose amendments, even to such parts of it as are admitted to require them. If, however, it is apparent, that the perpetuity of the Union demands them, does not patriotism, interest, self preservation, and every other public consideration, dictate to us the propriety of meeting that demand at the earliest period, and while its objects are attainable? And can we contemplate things as they are now presented to us, and say that the Union, for all time to come, will be preserved with no other guarantees than those we already possess, frittered down as they have been by loose and latitudinous construction? Does not the history of the past twenty years present to us an ominous warning of future events? And may I not ask, if the present attitude of one of our sister States, does not give to that warning an aspect fearful to contemplate?

South Carolina, giving a construction to the guarantees of the constitution, different from that given to it by a majority in Congress, entertains the opinion that its preservative qualities have been destroyed; that her interests, as well as those of the other southern States, in that destruction, have been condemned and degraded; and that unless she falls back on her natural and reserved rights, and avails herself of her own means of protection and defence, she has none; and acting upon this impression, (whether right or wrong, it is now needless to discuss,) she is preparing measures for a state of things which, if carried out, must, inevitably, and beyond the contingency of hope, result in a dismemberment of this once, and I trust still, glorious Union. And shall we, gentlemen, sit still, and look calmly and

supinely on, at the brewing of a coming storm, so portentous of evil to us and to the world, without making an effort to avert it? Are we not admonished by our love for the country and all its parts, to make that effort? Do you believe for a moment, that if a conflict of arms should unfortunately arise between the Federal Government and South Carolina, that we can look quietly on, undisturbed by that conflict, and await its issue? Could we see the blood of our patriot brothers and friends of South Carolina flow in a cause which had its origin in a desire to protect our rights as well as their own, without affording them our sympathy and aid? Or could we see the torch of a domestic and servile war lighted up at the doors of the sons and daughters of those patriots of South Carolina who aided so much in conferring upon us the inestimable birthright of freemen, without rushing to their rescue? If so, I have greatly misunderstood the character of my countrymen. It is true, that we may hope that such an issue will not be presented; but should it be, (and we have cause to fear it,) it requires no prophetic spirit to predict its result, and to tell where the whole South will be found.

Then, cannot Texas do something towards averting such a calamity? I sincerely trust she can. Let her instruct her Senators and Representatives in Congress to introduce into their respective branches, propositions for amending the constitution of the United States, in such particulars as will give to the South security for the future, in her domestic institutions, and which will be beyond cavil or construction. Let her address South Carolina in the language of kindness, friendship and affection; and admonish her, that although secession may be a remedy to which a State may be ultimately driven, that it is a remedy of dernier resort, and to be looked to, only, when all others have been tried and failed. Let her send a commissioner to South Carolina, to consult with her politicians, and to urge them by all the ties of brotherly love and a common country, to defer action (which may not be recalled) until other remedies and means of redress have been exhausted; and let her understand that if this catastrophe is forced upon her, she will have the sympathies and aid of Texas on her side. South Carolina, in a crisis as alarming as the present, listened to the voice of Virginia in 1833, and by it the Union was saved; why may she not listen to the voice of Texas (though one of her youngest sisters) in 1851, when that voice is raised for the same beneficent purpose?

We may hope that she will do so; and if she should not, we, at least, will have the consolation of knowing that we have en-

deavored, by casting oil upon the troubled waters, to save the ship of state from ruin and destruction.

I have, gentlemen, doubtless failed in this communication (already too extended) to make suggestions, and to recommend measures, which, with proper legislative action in reference to them, would advance the State in some of her substantial interests; but I am assured that the wisdom and foresight of your collective body will supply my deficiencies; and you have my sincere pledge that I will heartily co-operate with you in your efforts to promote, by all legal and constitutional means, the general interests of the State, and the particular interests of your constituency, without regard to sectional feeling or geographical distinction. With the same determination on your part, a guarantee will be afforded, that when the legislative labors of your present session shall have closed, you can offer to each other, congratulations for the harmony, good feeling and efficiency which have characterized them; and returning to your constituents, with the consolation of having discharged your duty, you will receive from them the plaudit of "well done, thou good and faithful servant."

You have assembled at an important period in the history of our State, with universal health pervading it; her citizens are enjoying the rewards of their labors in the abundance of its rich productions, and every where we have indications of prosperity.

For these, and many other blessings, our expressions of gratitude are signally due to the Supreme Ruler of the universe.

P. H. BELL.

The Senate returned to their chamber.

Mr. Parker offered the following resolution:

Resolved, That the committee on Printing and Contingent Expenses be instructed to contract for the printing of copies of the Governor's message, and such parts of the accompanying documents, as said committee may find necessary to have printed for the use of the Senate.

On motion of Mr. Taylor, the Senate adjourned until 10 o'clock to-morrow morning.